

**IN THE UNITED STATES DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

KIRIN ROGI BEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:23-CV-259 (MTT)
)	
ANDREW BROOKS, et al.,)	
)	
Defendants.)	
)	
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ORDER

Pro se plaintiff Kirin Rogi Bey filed this lawsuit against Andrew Brooks and Oglethorpe County Sheriff's Department. Doc. 1. Bey also moved to proceed *in forma pauperis* ("IFP"). Doc. 2. The Court granted Bey's motion to proceed IFP and ordered Bey to file an amended complaint no later than September 18, 2023. Doc. 3.

The time for compliance passed without a response from Bey. As a result, Bey was ordered to respond and show cause why his lawsuit should not be dismissed for failing to follow the Court's orders and instructions. Doc. 4. Bey was given until October 2, 2023 to comply with the Court's orders and instructions and warned that failure to comply could result in dismissal of this action. *Id.*

The time for compliance has again passed without a response from Bey. As Bey was previously warned, the failure to comply with the Court's orders and instructions is grounds for dismissing this case. See Fed. R. Civ. P. 41; see also *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey

a court order.”) (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978))¹. Accordingly, Bey’s complaint (Doc. 1) is **DISMISSED without prejudice**.

SO ORDERED, this 4th day of October, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹ The Eleventh Circuit has adopted as binding precedent the decisions of the former Fifth Circuit rendered prior to October 1, 1981. *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*).